

Sec. 731-218. Temporary uses.

(a) Permitted temporary uses. The following temporary uses shall be permitted in all dwelling districts, subject to the temporary use requirements of section 731-218(b).

- (1) Temporary office;
- (2) Model home; or
- (3) Equipment storage;

each incidental and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located on the same lot or project.

(b) Temporary use requirements. Temporary uses shall be subject to the following requirements in addition to all other regulations of the applicable dwelling district.

- (1) For temporary offices or model homes only, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise producing devices shall be permitted.
- (3) Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- (4) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- (5) No temporary Improvement Location Permit shall be issued for a model home until a site or landscape plan, if required, has been approved by the Administrator. An Improvement Location Permit is not required for temporary offices or equipment storage, per the Improvement Location Permit Ordinance, 68-AO-11, as amended (Code of Indianapolis and Marion County, Appendix D, Part 17).
- (6) A temporary Improvement Location Permit for a model home shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred eighty (180) days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
- (7) No later than thirty (30) days after the termination date of the temporary Improvement Location Permit, the site must be returned as nearly as reasonably possible to its condition prior to the issuance of the temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. 46, 1997, § 1(C))

Sec. 731-219. Accessory uses.

(a) Permitted accessory uses. The following accessory uses shall be permitted in all dwelling districts, except the D-11 dwelling district (see section 731-215(a)(5) for permitted accessory uses in this district), subject to the accessory use requirements of section 731-219(b) and the dwelling district regulations of section 731-200:

- (1) Garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; porte-cocheres; bathhouses; cabanas; children's playhouses; swings and other play structures or equipment; greenhouses** and other accessory buildings or structures similar and comparable in character to these permitted uses. (See additional requirements of this section.)
- (2) Off-street parking areas**, as regulated in section 731-221(e).
- (3) Signs**, as regulated by The Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- (4) Private swimming pools, hot tubs and similar structures** (see additional requirements of this section).
- (5) Amateur radio sending and receiving antennas**, provided the height thereof (including masts) shall not exceed seventy-five (75) feet measured from finished lot grade at the base of the antennas and further provided that such antennas shall not be located in the front yard as established by the building line of the existing primary building.
- (6) Management office in multifamily districts and other facilities normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities**, provided, however, there is no exterior storage or display.
- (7) Underground storerooms** either attached to other permitted structures or constructed separately. (See additional requirements of this section.)
- (8) Residential occupancy by domestic employees employed on the premises**, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.
- (9) Foster family care** where care is provided for children unrelated to the residents by blood or adoption; provided that no sign shall be displayed, and that care is provided for no more than five (5) such children.
- (10) Child care home**, as defined in section 731-102 and as regulated by IC 12-17-2 and rules adopted by the Division of Family Resources or the Division of Fire and Building Safety of the State of Indiana. For purposes of this chapter, a child care home shall not be considered a home occupation.
- (11) Storage or parking of recreational vehicles.** (See additional requirements of this section.)
- (12) Game courts**, including tennis courts and basketball courts. (See additional requirements of this section.)
- (13) Common recreation facilities**, provided such facilities are dedicated to the public and accepted, owned by a homeowners' association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all the residents in the association or the project.
- (14) Satellite dish antennas.** (See additional requirements of this section).

[G.O. 3, 2007]

(b) Accessory use development standards. Accessory uses in all dwelling districts shall comply with the following requirements:

(1) General accessory use requirements. Accessory uses:

- a. Shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
- b. Shall be operated and maintained under the same ownership and on the same building lot as the primary use.
- c. Shall be subordinate in area, bulk, extent, and purpose to the primary use of the building served.
- d. The height of an accessory building or structure shall be less than or equal to that of the primary structure.
- e. The total square footage of all accessory buildings on a building lot shall not exceed seventy-five (75) percent of the main floor area of the primary building, except that a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty-four (24) by thirty (30) feet provided that the total square footage of the garage is less than or equal to the main floor area of the primary building.
- f. Unless otherwise specified in this ordinance, detached accessory buildings:
 1. Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;
 2. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts shall not be located closer to any rear lot line than five (5) feet;
 3. Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.
 4. Shall not be permitted on a lot prior to the erection of the primary building.
 5. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.
- g. Patios, decks, terraces having a horizontal area within eighteen (18) inches of grade level, shall not require an Improvement Location Permit.

(2) Appurtenances.

- a. Such appurtenant features as walks, drainage installations, mailboxes, lamp posts, bird baths, air conditioning units and structures of similar and comparable nature, shall be permitted on any lot.

Provided, however, the front yard of any lot may contain only enough paving, gravel or similar material sufficient for reasonable access to and from the off-street parking area. The remaining front yard shall be landscaped in grass, shrubbery, trees or hedge, or in combination with other similar and suitable vegetative ground cover materials.
- b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees shall be permitted on any lot, provided such operations are not for profit. In the D-A dwelling district, the growing of such items may be for profit.

- c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in front, side and rear yards provided that:

1. The height of any structural barrier shall not exceed six (6) feet.

Provided, however:

- i. Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height. This provision (i), shall not apply:

- (a) To corner lots in Development Area One, as noted in the Thoroughfare Plan for Marion County, Indiana and reproduced in section 731-102 as Diagram J.

For corner lots in Development Area One:

1. Fences up to six (6) feet in height may be permitted in any front yard which: 1. does not serve as the primary entrance (that which architecturally is designed as the main or "front door") for the dwelling; and, 2. does not face the primary entrance of a dwelling unit across the street.
2. Fences exceeding forty-two (42) inches in height shall not encroach beyond the building line established on the other street frontage.

- (b) To any D-6, D-6II, D-7, D-8 (multifamily only), D-9, and D-10 Districts where the linear street frontage of the project exceeds five hundred (500) feet.

For multifamily projects in the above Districts:

1. Fences or structural barriers up to six (6) feet in height may be permitted in any front yard which exceeds five hundred (500) linear feet of frontage.
2. For sites which have frontage on two (2) streets, a fence or structural barrier may be up to six (6) feet in height only if the applicable street frontage exceeds five hundred (500) linear feet.

2. The measurement of fence height shall be taken from the ground level to the top of the fence, exclusive of fence posts (See section 731-102, Diagram G).
3. Grade mounding, inconsistent with the ground level of the land surrounding the fence, which increases the elevation of the fence, shall be included in the measurement of the fence height (See section 731-102, Diagram H).
4. Fence posts may exceed the maximum height by one (1) foot (See section 731-102, Diagrams G, H, or I).
5. The fence itself may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence at that portion of the lot, and shall only exceed the maximum height at that location. In no case, however, shall the fence height exceed eight (8) feet (See section 731-102, Diagram I).

6. Barbed wire, razor wire and similar type wires shall not be permitted in any residential district as a part of a structural barrier except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
7. No structural barrier shall be electrified in any manner which could provide for an electrical shock if touched except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.

(3) Additional requirements for swimming pools, hot tubs and similar structures. The following additional requirements shall apply to swimming pools or hot tubs:

- a. A swimming pool or hot tub shall not be located in or on any front yard or closer to any side lot line than the required minimum side yard setbacks of the dwelling district or located closer to any rear lot line than five (5) feet.
 - b. The pool or tub area shall be enclosed by either a:
 - safety pool cover, as defined by, and meeting the specifications of 675 IAC 20-4-27(c); or
 - fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Said fence or structural barrier shall be a chain link fence, ornamental fence, solid fence, solid wall, or combination thereof. The height of said fence or structural barrier shall be no less than: five (5) feet if fence or structural barrier is erected on grade; or, thirty-six (36) inches if fence or structural barrier is erected on the raised deck or top of the pool wall of an aboveground pool or hot tub.
- In no instance, shall the combined height of fence or structural barrier and pool be higher than ten (10) feet.
- c. Abandoned or unused swimming pools or hot tubs, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.
 - d. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code, and the National Electrical Code, current editions, and until an Improvement Location Permit has been obtained.
 - e. All pools or hot tubs, which are less than eighteen (18) inches above grade level, shall not be considered as part of the building area, as defined in section 731-102.

(Amended G.O. 63, 2005)

(4) Additional requirements for underground storerooms. The following additional requirements shall apply to all underground storerooms:

- a. An underground storeroom shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the dwelling district.
- b. No underground storeroom shall be erected or constructed until an Improvement Location Permit has been obtained.

(5) Additional requirements for recreational vehicles. The following additional requirements shall apply to the parking or storage of recreational vehicles:

- a. Recreational vehicles may be parked or stored inside permitted buildings or outside in such a manner that no part of any such vehicle shall project into any required side or rear yard as established by the ordinance. Provided further, no part of any such vehicle shall be parked or stored outside in the front yard of the lot other than on the hard-surfaced area of the driveway or interior access drive.
- b. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same building lot at any one time.
- c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any dwelling district.

(6) Additional requirements for game courts. The following additional requirements shall apply to game courts:

- a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the dwelling district, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.
- b. Game courts shall not be considered as building area, as defined in section 731-102.
- c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5 or D-5II dwelling district shall be lighted.
- d. Fences built as a component of a regulation game court shall not be subject to the fence height limitations of section 731-219(b)(2)c. Fences which are components of game courts shall not exceed ten (10) feet in height.

(7) Additional requirements for porches, patios, decks and canopies. The following additional requirements shall apply to porches, patios, decks and canopies:

- a. Porches, patios and decks, with the exception of attached open railings, shall not be constructed or erected higher than eighteen (18) inches above grade level at any point without having first obtained an Improvement Location Permit.
- b. Porches and patios shall be located no closer than four (4) feet from any property line.
- c. No permanent roof, canopy or similar permanent structure shall be built or established to extend over any porch, patio or deck, other than an eave or cornice overhang from the primary structure, unless the roof or canopy complies with the setback requirements of the dwelling district.
- d. Porches, patios and decks eighteen (18) inches in height, or over, above grade level shall comply with all front and side yard setback requirements of the district and with the rear yard setback requirements for accessory buildings; except, however, open stairs and railings, attached to these structures may encroach into required yards.

(8) Additional requirements for antennas.

- a. Statement of purpose. The regulations of this subsection are intended to allow antennas to be located in all dwelling districts in a manner that:
 1. Does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
 2. Does not unreasonably increase the cost of installation, maintenance or use; or
 3. Preclude reception of an acceptable quality signal.
- b. Objectives. The regulations of this subsection are intended to accomplish the following objectives:
 1. Health and safety: The regulations protect the public and safety to the degree that the improper installation of antennas can endanger the lives and property of persons on the property or surrounding property if they collapse or are felled by high winds or ice.
 2. General welfare/aesthetic: The regulations limit visual blight by sensitive placement of antennas, as the injudicious location of such antennas, including guy wires, poles, masts, cables and other appurtenant devices can create visual blight offensive to those who reside, work and travel in the city and contrary to the city's comprehensive plan. Further, these regulations are intended to meet these objectives without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
- c. Requirements. The requirements of this subsection shall apply to any antenna which is greater than one (1) meter/39.37 inches in diameter or diagonal measurement.
 1. Installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.

2. The maximum height for a ground-mounted antenna shall not exceed the maximum height of an accessory structure permitted by that district (see section 731-219(b)(1)).
 3. In any dwelling district, roof-mounted antennas may be permitted, subject to demonstration by the applicant that compliance with section 731-219(b)(8)c.a. and b. of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
 4. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
 5. All applications for Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.
 6. All roof-mounted installations shall be contained within the area of the roof.
- d. Limitation on enforcement. No requirement contained in this subsection, section 731-219(b)(8), shall be enforced to the extent it:
1. Unreasonably delays or prevents installation, maintenance or use of an antenna; or
 2. Unreasonably increases the cost of installation, maintenance, or use of an antenna; or
 3. Precludes reception of an acceptable quality signal by an antenna.

(c) Nonpermitted accessory use activities. No accessory use which is not specifically permitted under section 731-219(a) shall be permitted as an accessory use in any dwelling district. In addition, the following activities are strictly prohibited in all dwelling districts:

(1) Dismantling, repairing or restoring of vehicles in dwelling districts: No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a dwelling district. In addition, any work performed shall be:

- a. Incidental to a permitted use; and,
- b. Completely within a garage or carport; or,
- c. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination thereof) of six (6) feet in height.

(2) Storing of inoperable vehicles in dwelling districts: no inoperable vehicle shall be stored, maintained or kept on any property in a dwelling district unless such device is:

- a. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and further is,
- b. Completely within an accessory structure.

(3) Storing of commercial motor vehicles in dwelling districts: No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a dwelling district unless:

- a. The vehicle has a maximum load capacity of three-quarters (3/4) of a ton or less; and
 1. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept; or
 2. Such vehicle is within a garage or carport which complies with all the standards and regulations of this ordinance.
- b. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

(G.O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(C), 8-27-90; G.O. No. 4, 1992, § 1(K)-(N), 2-24-92; ; G.O. 99, 1993, § 1; G.O. 24, 1995, § 1(B), (C); G.O. 46, 1997, § 1(D), (E); G.O. 47, 1997, § 1(F), (G); G.O. No. 63, 2005 § 7-11-05)